

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,094	DIMPSEY ET AL.	
	<b>Examiner</b>	Art Unit	
	Horace L. Flournoy	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment received on 6/04/2007.
2.  The allowed claim(s) is/are 1-5, 8, 9, 11, 12, 17-22, 24 and 25.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### REASONS FOR ALLOWANCE

This Office Action has been issued in response to the remarks filed June 4<sup>th</sup> 2007. Applicant's arguments have been carefully and respectfully considered, and are persuasive to the examiner.

The following is an examiner's statement of reasons for allowance:

**Independent claim 1** is allowable over the prior art of record for the limitation of "*responsive to executing an instruction in the code by a processor in the data processing system, determining whether an access indicator is associated with the instruction, wherein the access indicator associated with the instruction is located in a shadow memory; and if the access indicator is associated with the instruction, changing, by the processor, a state of the access indicator when the instruction is executed, wherein coverage data is generated during execution of the code by the processor.*" These limitations, in combination with the other limitations within the claim, distinguish the claim language from prior art. As such, each of the dependent claims is allowable.

**Independent claim 8** is allowable over the prior art of record for the limitation of "*responsive to executing an instruction in the code by a processor in the data processing system, determining whether an access indicator is associated with the instruction, wherein the access indicator associated with the instruction is located in a*

*page table; and if the access indicator is associated with the instruction, changing, by the processor, a state of the access indicator when the instruction is executed, wherein coverage data is generated during execution of the code by the processor.” These limitations, in combination with the other limitations within the claim, distinguish the claim language from prior art.*

**Independent claim 12** is allowable over the prior art of record for the limitation of “*responsive to executing an instruction in the code by a processor in the data processing system, determining whether an access indicator is associated with the instruction, wherein access indicators are associated only with subroutines within the code; and if the access indicator is associated with the instruction, changing, by the processor, a state of the access indicator when the instruction is executed, wherein coverage data is generated during execution of the code by the processor.” These limitations, in combination with the other limitations within the claim, distinguish the claim language from prior art.*

**Independent claim 17** is allowable over the prior art of record for the limitation of “*determining means, responsive to executing an instruction in the code by a processor in the data processing system, for determining whether an access indicator is associated with the instruction; and changing means, if the access indicator is associated with the instruction, for changing, by the processor, a state of the access indicator when the instruction is executed, wherein coverage data is generated during*

*execution of the code by the processor, wherein executed instructions in the code have set access indicators set when the state of the access indicators associated with the executed instructions are changed, while unexecuted instructions have unset access indicators because the state of the unset access indicators remain unchanged.” These limitations, in combination with the other limitations within the claim, distinguish the claim language from prior art. As such, each of the dependent claims is allowable.*

**Independent claim 25** is allowable over the prior art of record for the limitation of “*determining means, responsive to executing an instruction in the code by a processor in the data processing system, for determining whether an access indicator is associated with the instruction; and changing means, if the access indicator is associated with the instruction, for changing, by the processor, a state of the access indicator when the instruction is executed, wherein coverage data is generated during execution of the code by the processor, wherein access indicators are associated only with subroutines within the code.*” These limitations, in combination with the other limitations within the claim, distinguish the claim language from prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 2189

## **CONCLUSION**

### **Direction of Future Correspondences**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Horace L. Flournoy whose telephone number is (571) 272-2705. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:30 PM (ET).

### **Important Note**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on (571) 272-4204. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 746-7239.

Information regarding the status of an Application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Reginald G. Bragdon

*Reginald G. Bragdon*

Supervisory Patent Examiner  
Technology Center 2100

HLF  
June 19<sup>th</sup>, 2007